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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,207

02/12/2004

Gregory B. Fornasiero

839-1444

4186

30024

7590

10/27/2006

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EXAMINER

LE, DIEU-MINH T

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,207	Applicant(s) FORNASIERO ET AL.	
	Examiner Dieu-Minh Le	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/04/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to the communication filed on 02/13/06 in application 10/776,207.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kish et al. (US. 6,904,341 hereafter referred to as Kish)) in view of Wilson et al. (US. 6,941,202 hereafter referred to as 6,941,202).

As per claim 1:

Kish substantially teaches the invention. Kish teaches:

- A monitoring and diagnostics system for a fleet of rental power generation equipment, the monitoring and diagnostics [i.e., monitoring and control system [abstract, col. 1, lines 10-14 and col. 14, lines 24 through col. 15, lines 24]; system comprising:
 - a plurality of remote processors each operatively engaged with a respective power generation unit, the remote processors each including a plurality of sensors detecting operating data of the respective power generation unit

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[col. 6, lines 35-59, col. 13, lines 19 through col. 14, lines 12, and col. 14, lines 24 through col. 15, lines 24];

- a managing processor receiving the operating data from the plurality of remote processors [col. 10, 27-32];
- the managing processor on a single display [col. 4, lines 27-44].

Kish does not explicitly address:

- an algorithm and determining a health status of the rental power generation fleet.

However, Kish does disclose capability of:

- An integrated vessel monitoring and control system (i.e., powered vessels including a plurality of devices for monitoring (sensors)) [abstract, col. 1, lines 10-13 and lines 30-40 comprising capability of:

- predictive analysis (i.e., failure analysis algorithm) of failure condition in supporting the monitoring and control system [col. 10, lines 28-32].

In addition, Wilson explicitly teaches:

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- A system and method for monitoring and diagnosing a machine via sensors [abstract, col. 1, lines 39-43] comprising:
 - a predict failure process used to support the diagnosing system via a connectivity among processor and remote processors [col. 1, lines 39-43].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to first realizing Kish's predictive analysis (i.e., failure analysis algorithm) of failure condition in supporting the monitoring and control system as being the algorithm and determining a health status as claimed by Applicant. This is because Kish's failure detection and monitoring on the powered machine explicitly performed data monitoring, detecting, executing, and control via its sensing processes. By utilizing these capabilities, the operating processing within the computing processing system, more specifically the powered equipment or device, can be tested, analyzed, or configured properly via its data sensing, executing, and storing, based upon its health condition response, management, and determination; second, by applying the predict failure process used to support the diagnosing system via a connectivity among

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processor and remote processors as taught by Wilson in conjunction with the integrated vessel monitoring and control system (i.e., powered vessels including a plurality of devices for monitoring (sensors)) as taught by Kish, the data monitoring system within powered generation computing system can enhance its operation performance, more specifically to ensuring the error detected, corrected, in proper and efficient manner via its sensing and failure prediction processes.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to improve the powered generation system operation availability and network/system performance therein with a mechanism to enhance the data transmission, data debugging, data reliability, data displaying, and data throughput which eventually will increase its performance, such as data throughput between internal and external devices (i.e., wired and wireless device connectivity).

As per claims 2-3:

Kish further teaches:

- the remote processors (i.e., powered vessels including a plurality of devices for monitoring (sensors)) each comprise a data transmission device transmitting the

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operating data to the managing processor [col. 2, lines 10-30 and col. 6, lines 35-59];

- the respective data transmission devices transmit the operating data to the managing processor in real time [col. 33-38];

In addition, Wilson explicitly teaches:

- A system and method for monitoring and diagnosing a machine via sensors [abstract, col. 1, lines 39-43] comprising:

- a predict failure process used to support the diagnosing system via a connectivity among processor and remote processors [col. 1, lines 39-43].

As per claims 4-6:

Kish further teaches:

- the data transmission device comprises a wired LAN connection via a server [col. 3, lines 1-12, col. 6, lines 44-46, and col. 17, lines 52-56];

- the data transmission device comprises a wireless LAN connection via a server [col. 3, lines 1-12, col. 6, lines 44-46, and col. 17, lines 52-56];

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- the data transmission device comprises a cellular modem connection via a server [col. 3, lines 1-12, col. 6, lines 44-46, col. 8, lines 5-17, and col. 17, lines 52-56].

In addition, Wilson explicitly teaches:

- A system and method for monitoring and diagnosing a machine via sensors [abstract, col. 1, lines 39-43] comprising:
 - a predict failure process used to support the diagnosing system via a connectivity among processor and remote processors [col. 1, lines 39-43].

As per claims 7-8:

Kish further teaches:

- the managing processor is programmed to run a predictive failure analysis based on the operating data of each of the power generation units [col. 10, lines 28-32].
- wherein the operating data comprises at least one of engine speed, coolant temperature, pressure, and hours of use [col. 14, lines 24 through col. 15, lines 24].

In addition, Wilson explicitly teaches:

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- A system and method for monitoring and diagnosing a machine via sensors [abstract, col. 1, lines 39-43] comprising:
 - a predict failure process used to support the diagnosing system via a connectivity among processor and remote processors [col. 1, lines 39-43].
- wherein the operating data comprises at least one of engine speed, coolant temperature (i.e., fluid quality and temperature), pressure, and hours of use [col. 1, lines 55-64].

As per claims 9-13:

Due to the similarity of claims 9-13 to claims 1-8 except for a method of monitoring and diagnostics on a fleet of rental power generation equipment comprising the managing processor, determining a health status, displaying, etc.. instead of monitoring and diagnostics system for a fleet of rental power generation equipment, the monitoring and diagnostics comprising a managing processor, determining a health status, displaying, etc...; therefore, these claims are also rejected under the same rationale applied against claims 1-8. **In addition, all of the limitations have been noted in the rejection as per claims 1-8.**

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As per claim 14:

Due to the similarity of claim 14 to claim 1; therefore, this claim is also rejected under the same rationale applied against claim 1. **In addition, all of the limitations have been noted in the rejection as per claim 1.**

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2114**

DML
10/15/06